

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-693

Appellant(s): Bruce Miller

vz. Appellee(s): City/Town of Boston
Marc Joseph

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 705.3, for 17 Durham St, Boston, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on January 20, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

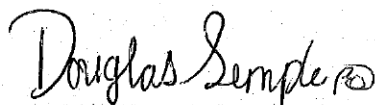
The Appellant and appeared and testified for the hearing.

Discussion

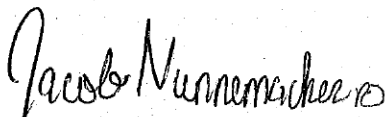
A motion was made to grant the Appellant's request for a variance from 780 CMR 705.3, based on the exhibits and testimony that was presented. The requested variance was to add two new windows to a building party wall abutting the property line that is shared with the Southwest Corridor Park. The motion noted that that the Boston building commissioner was not opposed to the granting of the variance. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 705.3, is hereby granted as described in the discussion above and so ordered² on this date: January 20, 2009.



Douglas Semple



Jacob Nunnemacher



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.